IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12817 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL AMBALAL BHANALAL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MA SAPA for Petitioner

MR AS DAVE, Ld. AGP for Respondent.

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 18/12/2000

ORAL JUDGEMENT

Rule. Mr.A.S.Dave, Ld. AGP, waives service of rule on behalf of the respondent.

The petitioner was issued a passport bearing No.A6249129 by the Regional Passport Officer, on

25-9-1998 and in the passport the date of birth was mentioned as 1-6-1948. It is submitted by the learned Counsel appearing on behalf of the petitioner that the date of birth of the petitioner was recorded in the passport in accordance with the School Leaving Certificate. The learned Counsel for the petitioner further submitted that there was an error in recording the date of birth of the petitioner at the time of admission in the school and that error continued. The learned Counsel appearing on behalf of the petitioner submitted that the petitioner has obtained the birth certificate from the Mamlatdar, Village Lilapor of Taluka Valsad. According to the birth certificate issued by the Registrar, Births and Deaths, the date of birth of the petitioner is 4-6-1948. When there is a conflict in the date of birth between School Leaving Certificate and the Certificate issued by the Registrar, Births and Deaths, then the certificate issued by the Registrar, Births and Deaths, should be preferred. It is also submitted by the learned Counsel for the petitioner that the respondent Regional Passport Officer was approached by the petitioner for carrying out the correction in the date of birth, but he has declined to carry out the correction. Since the birth certificate issued by the Registrar, Births and Deaths, shows the date of birth of the petitioner as 4-6-1948, I am of the view that the respondent Authority should have considered the same. However, the petitioner may file afresh all relevant documents before the respondent Regional Passport Officer and if such documents are placed, the respondent is directed to consider the same in accordance with law. Since the date of birth of the petitioner recorded in the passport was on the basis of information supplied by the petitioner, the respondent cannot be held responsible for such error. Therefore, since the respondent is not responsible for the mistake in the passport, the petitioner shall pay a sum of Rs.1,500/- (Rupees one thousand five hundred only) to the respondent for carrying out the correction of date of birth of the petitioner in his passport.

With the aforesaid observations and directions, the petition is disposed of. Rule is made absolute. Direct service is permitted.

18-12-2000 (P.K. Sarkar, J.)

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